

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.10397 of 2019

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioner contends that the 1<sup>st</sup> respondent has cancelled the allotment of land made in favour of the petitioner vide proceedings dated 06.06.2005. Challenging the same, the petitioner has filed W.P.No.17077 of 2005 and this Court was pleased to allow the said writ petition vide order dated 04.10.2017 and the impugned cancellation order therein was set aside. Thereafter, the respondents have filed W.A.No.1187 of 2018 and the same is pending. He further contends that mere pendency of appeal would not come in the way of implementing the order passed by the learned Single Judge and therefore, appropriate orders be passed in the present writ petition directing the respondents to restore the subject land in favour of the petitioner.

Learned Standing Counsel appearing for the respondents contends that the respondents have preferred W.A.No.1187 of 2018 against the order dated 04.10.2017 passed by the learned Single Judge in W.P.No.17077 of 2005 and the same is pending. He further contends that the order passed by a learned Single Judge of this Court has not become final, as W.A.No.1187 of 2018 filed against the said order of the learned Single Judge is not yet disposed of. Therefore, there are no merits in the present writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered

view that by mere pendency of W.A.No.1187 of 2018 it cannot be said that the order dated 04.10.2017 passed by the learned Single Judge in W.P.No.17077 of 2005 need not be implemented. Therefore, the respondents are directed to implement the order dated 04.10.2017 passed by the learned Single Judge in W.P.No.17077 of 2005, which shall be subject to the out come of W.A.No.1187 of 2018, within a reasonable period of time i.e., within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of.  
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 29-01-2020  
Prv



